

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 573 of 1997
with

SPECIAL CIVIL APPLICATION No 575 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SURYAKANT PRAGJI TILAK

Versus

DEPUTY COLLECTOR

Appearance:

MR SURESH M SHAH for Petitioner

MR HM BHAGAT for Respondent No. 1, 2

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 28/08/97

ORAL JUDGEMENT

Rule. Mr P.S.Patel for Mr H.M.Bhagat waives service of rule.

2. Heard the learned counsels for the parties. It is pointed out that several contentions were raised before the Chief Controlling Revenue Authority,

respondent No.2. The contentions have not been considered as is evident from the reading of para 6 of the impugned order. In view of this, these Special Civil Applications deserve to be allowed on this ground alone.

3. Both the Special Civil Applications are allowed and the impugned order dated July 31, 1995 is quashed and set aside. Respondent No.2 shall decide the matter afresh after giving an opportunity of hearing to the petitioner. It is expected that the learned authority will consider all the contentions and pass a speaking order. The interim relief granted herein by this Court shall continue. The petitioner shall appear before the said authority on 22nd September, 1997. The authority shall decide the matter by the end of October, 1997.

4. It is stated by the learned counsel for the petitioner that 25 per cent of the amount had been deposited by the petitioner at the time of filing of appeal before the authority and further 50 per cent of amount has been deposited under the orders of this Court. It is further stated that the said 50 per cent amount has been invested. It will be open for the respondent No.2 to pass appropriate order with respect to the aforesaid amount at the time of disposal of the amount. Rule is made absolute accordingly.

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(vjn)